

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Kendel Anthony Melbourne,

*Defendant.*

**Deferred Prosecution Agreement**

**24 Mag. 1876**

TO: Kendel Anthony Melbourne

On May 13, 2024, a United States Magistrate Judge in the Southern District of New York signed a criminal complaint charging you with (i) conspiracy to commit computer intrusion, in violation of Title 18, United States Code, Section 371; and (ii) computer intrusion, in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i), and 2). However, after a thorough investigation, it has been determined that the interest of the United States and your own interest will best be served by deferring prosecution in this District. Prosecution will be deferred during the term of your good behavior and satisfactory compliance with the terms of this agreement for the period of six months from the signing of this agreement. The terms and conditions constituting your good behavior and satisfactory compliance are as follows:

- (1) You shall refrain from violation of any law (federal, state, and local). You shall immediately contact your U.S. Pretrial Services Officer if arrested or questioned by a law-enforcement officer.
- (2) You shall associate only with law-abiding persons.
- (3) You shall work regularly at a lawful occupation and/or regularly attend school and support your legal dependents, if any, to the best of your ability. When out of work or not attending school you shall notify your supervising U.S. Pretrial Services Officer at once. You shall consult him or her prior to job and school changes.
- (4) You shall not leave the Southern or Eastern Districts of New York or the District of New Jersey without permission of your supervising U.S. Pretrial Services Officer.
- (5) You shall notify your supervising U.S. Pretrial Services Officer immediately of any change in your place of residence.
- (6) You shall follow your supervising U.S. Pretrial Services Officer's instructions and advice.

(7) You shall report to your supervising U.S. Pretrial Services Officer as directed.

Special conditions are as follows:

(8) You shall attend and participate in mental health treatment as directed by your supervising U.S. Pretrial Services Officer.

(9) You shall not possess a firearm, destructive device, or other weapon.

As a further condition, you hereby consent to disclosure, by any federal, state, or local government agency, or by any medical or substance abuse treatment provider, to the U.S. Pretrial Services Officer supervising your case, of such medical and treatment records as may be requested by the Pretrial Services Officer to evaluate deferral of prosecution in this case. You further agree that you will execute any additional consent forms that any such agency or provider may require to release such information.

The United States Attorney may at any time revoke or modify any condition of this provisional release or change the period of such supervision. The United States Attorney may discharge you from supervision at any time. The United States Attorney may at any time proceed with the prosecution for this offense should the United States Attorney, in his or her sole discretion, deem such action advisable.

If upon completion of your supervision a written report from your supervising U.S. Pretrial Services Officer is received to the effect that you have complied with all the rules, regulations, conditions, and special conditions applicable to your deferred prosecution, no further prosecution will be instituted in this District for the above offenses.

Dated: New York, New York

March 10, 2025

MATTHEW PODOLSKY  
Acting United States Attorney for the  
Southern District of New York

By:



Matthew Weinberg  
Assistant United States Attorney  
(212) 637-2386

The undersigned hereby consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., and any other pertinent provisions, and consents to the adjournment of all pending proceedings in this case. The undersigned further waives the applicable statute of limitations with respect to any prosecution that is not time-barred on the date that this agreement is signed. It is the intent of this provision to toll the applicable statute of limitations during the pendency of the deferred prosecution.

Dated: New York, New York  
March 10, 2025



Ariel Werner, Esq.  
Attorney for Defendant



Kendel Anthony Melbourne  
Defendant

Pursuant to 18 U.S.C. §3161(h)(2), exclusion under the Speedy Trial Act of the period of time during which the prosecution of the defendant is deferred pursuant to this agreement is hereby approved.

Dated: New York, New York  
March 10, 2025



United States Magistrate Judge

The undersigned hereby consents to the foregoing and will accept supervision of the above-named defendant on the conditions set forth herein.

Dated: New York, New York  
March 10, 2025



United States Pretrial Services Officer